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10/611,455	06/30/2003	James Harold Gray	36968/332546	1612

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EXAMINER
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INGVOLDSTAD, BENNETT

ART UNIT	PAPER NUMBER
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4178

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10/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,455	<b>Applicant(s)</b> GRAY ET AL.	
	<b>Examiner</b> Bennett Ingvaldstad	<b>Art Unit</b> 4178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

Page 2, Related Applications: please update the reference to co-pending application.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 8-9, 11, 13, 16-17, 19-20, 27, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano (US 2002/0147988).

Regarding claim 6, Nakano discloses a method comprising:

- receiving a hot key signal indicating receipt of an email message by a Post Office Protocol (POP) account of a user of an interactive television service

(a user is notified of the receipt of emails [0013] by a POP account [0052]);

- determining whether the hot key signal is relevant to the user (the STB and the email server communicate using IP [0021], so signal relevancy is determined by IP destination addresses); and
- responsive to determining the hot key signal is relevant to the user, displaying on a screen an indication that the hot key signal has been received (an icon is displayed on screen [0016])

Regarding claim 11, Nakano discloses a system comprising:

- a content reception, distribution, and switching portion connected with one or more content providers to receive and redistribute interactive television (TV) content (TV provider 14 [Fig. 3] );
- a head-end transport portion connected with the content reception, distribution, and switching portion to and encode, multiplex and transmit content signals from the content reception, distribution, and switching portion over a network (TV provider 14 broadcasts to STB 10, Fig. 3);
- a hot key generation portion to determine whether to inform a user of an interactive television service of receipt of an email message, and responsive to determining to inform the user of the receipt of the email message, generate a hot key signal indicating availability of the email

message (middle server receives email messages [0058] and determines to notify a user via an on-screen icon [0054] based on email filters [0013])

Regarding claim 17, Nakano discloses a system comprising:

- a tuner, receiver, and demodulator portion (STB 10 [Fig. 3]) and a demultiplexor portion (modem [0060]) to receive a hot key signal indicating receipt of an email message ([0014]) by a Post Office Protocol (POP) account ([0052]) of a user of a television service (Fig. 3); and
- a processor (Fig. 4) to determine whether the hot key signal is relevant to the user (via an IP destination address, since messages are sent as IP packets [0021]) and, responsive to determining the hot key signal is relevant to the user, display on a screen an indication that the hot key signal has been received (notification icon [0016]).

Regarding claim 27, Nakano discloses a machine-readable medium having stored thereon a series of instructions (instructions to enable STB to interface with middle server [0058] and display notifications), the instructions, when executed by a processor, cause the processor to:

- receive a hot key signal indicating receipt of an email message by a Post Office Protocol (POP) account of a user of an interactive television service (notifications are sent to screen connected to STB by middle server [0058]);

- determine whether the hot key signal is relevant to the user (the STB and the email server communicate using IP [0021], so signal relevancy is determined by IP destination addresses); and
- responsive to determining the hot key signal is relevant to the user, display on a screen an indication that the hot key signal has been received (notification icon [0016])

Regarding claims 8, 19, and 29, depending on claims 6, 17, and 27, Nakano further discloses:

- wherein determining whether the hot key signal is relevant to the user comprises determining whether a destination address for the hot key signal is an address of the user (STB and email server communicate via the Internet [Nakano 0021] so IP destination addresses determine relevancy)

Regarding claims 9, 20, and 30, depending on claims 6, 17, and 27, Nakano further discloses:

- wherein the hot key signal comprises an Internet Protocol (IP) data packet (STB and email server communicate via the Internet [Nakano 0021] so IP packets are used)

Regarding claim 13, depending on claim 11, Nakano further discloses:

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- wherein determining whether to inform the user of the interactive television service of receipt of the email message comprises periodically polling a Post Office Protocol (POP) account of the user ([0015], and server can use POP [0052])

Regarding claim 16, depending on claim 13, Nakano further discloses:

- wherein the POP account is an account maintained by an Internet Service Provider (ISP) other than the interactive television service provider (the Internet provider and the TV provider can be separate [Fig. 3, claim 1])

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano (US 2002/0147988) in view of Chatfield (US 2002/0138561).

Regarding claim 15, depending on claim 13, Nakano does not further disclose:

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- wherein the POP account is an account maintained by the interactive television service provider

Chatfield discloses that it is well known for a television service provider to maintain email accounts (ISP, which can be a cable provider, provides services including email [0007]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POP account disclosed by Nakano to be maintained by the interactive television service provider as disclosed by Chatfield for the purpose of gaining higher speed connectivity (Chatfield [0007]).

6. Claims 1-3, 5, 7, 10, 12, 14, 18, 21-24, 26, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano (US 2002/0147988) in view of Grzeczowski (US 2004/0049785)

Regarding claims 7, 18, and 28, depending on claims 6, 17, and 27, Nakano does not further disclose:

- responsive to receiving an indication that the hot key is accepted, presenting to the user the email message indicated by the hot key signal

Grzeczowski discloses a method of informing a user of an interactive television service of receipt of a hot key signal comprising:



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- responsive to receiving an indication that the hot key is accepted, presenting to the user the email message indicated by the hot key signal (the message can be displayed by the user after an icon is shown on screen [0027])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Nakano with the teaching of Grzeczowski in order to show the messages to the user on the user's television [0027]).

Regarding claims 10, 21, and 31, depending on claims 9, 20, and 30, Nakano further discloses:

- wherein the IP data packet has a header portion and a body portion [...] (STB and email server communicate via the Internet [Nakano 0021] so IP packets, which contain a header portion and a body portion, are used)

Grzeczowski discloses a method of informing a user of an interactive television service of receipt of a hot key signal:

- wherein the IP data packet has a header portion and a body portion, the body portion having a data field containing the email message (Messages are delivered to STB [0027] over IP [0024] and data e.g. messages are contained in the body of IP packets)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Nakano with the

teaching of Grzeczowski in order to show the messages to the user on the user's television [0027]).

Regarding claim 12, depending on claim 11, Nakano does not further disclose:

- wherein the head-end transport portion receives the hot key signal from the hot key generation portion, and multiplexes the hot key signal with the content signal

Grzeczowski discloses a method of informing a user of an interactive television service of receipt of a hot key signal:

- wherein the head-end transport portion receives the hot key signal from the hot key generation portion, and multiplexes the hot key signal with the content signal (the hot key signal can be transmitted multiplexed with the television signal [Grzeczowski 0030])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Nakano with the teaching of Grzeczowski in order to send hot key signals multiplexed with television signals [0030] for the purpose of delivering message information to television users who do not have a separate Pointcast connection [0003-0005], thereby improving Nakano's method by removing the need for a separate Internet connection [e.g. Nakano Fig 2, 56k modem connected to ISP].

Regarding claim 14, depending on claim 13, Nakano further discloses:

- retrieving the email message from the POP account (a middle server can download the email messages [Nakano 0058]);

Nakano does not further disclose:

- sending the email message to the user as part of the hot key signal

Grzeczowski discloses a method of informing a user of an interactive television service of receipt of a hot key signal comprising:

- sending the email message to the user as part of the hot key signal (messages are received along with the hot key icon so that the user can immediately view the message [Grzeczowski 0027])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Nakano with the teaching of Grzeczowski in order to send hot key signals multiplexed with television signals [0030] for the purpose of delivering message information to television users who do not have a separate Pointcast connection [0003-0005], thereby improving Nakano's method by removing the need for a separate Internet connection [e.g. Nakano Fig 2, 56k modem connected to ISP].

Regarding claim 1, Nakano discloses a method comprising:

- determining whether to inform a user of an interactive television service of receipt of an email message (emails are filtered before notifying a TV user [0013]);

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- responsive to determining to inform the user of the receipt of the email message, generating a hot key signal indicating availability of the email message (a signal is generated to notify the user by displaying an icon on the screen [0016]); and

Nakano does not further disclose that the hot key signal is inserted into a content signal.

Grzeczowski discloses a method of informing a user of an interactive television service of receipt of a hot key signal comprising:

- inserting the hot key signal into a content signal transmitted to the user from an interactive television service provider via a network with which the user and the interactive television service provider are connected (icons displayed onscreen indicating reception of an alert [0027] are hot key signals, and they can be transmitted with a cable signal e.g. OOB delivery [0030])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Nakano with the teaching of Grzeczowski in order to send hot key signals multiplexed with television signals [0030] for the purpose of delivering message information to television users who do not have a separate Pointcast connection [0003-0005], thereby improving Nakano's method by removing the need for a separate Internet connection [e.g. Nakano Fig 2, 56k modem connected to ISP].

Regarding claim 22, Nakano discloses a machine-readable medium having stored thereon a series of instructions (software application [0014] residing on middle server [0058]), the instructions, when executed by a processor, cause the processor to:

- determine whether to inform a user of a television service of receipt of an email message ([0014]);
- responsive to determining to inform the user of the receipt of the email message, generate a hot key signal indicating availability of the email message ([0014]);

Nakano does not disclose that the instructions cause the processor to:

- insert the hot key signal into a content signal transmitted to the user from an interactive television service provider via a network with which the user and the interactive television service provider are connected

Grzeczowski discloses in a related art an interactive television service (user interacts with received messages [0027]) and a machine-readable medium having stored thereon a series of instructions, the instructions, when executed by a processor (an application stores user profiles and determines to send messages based on the user preference [0007-0008]), cause the processor to:

- insert the hot key signal into a content signal transmitted to the user from an interactive television service provider via a network with which the user and the interactive television service provider are connected (messages can be sent to STB over television broadcast systems [0030])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medium disclosed by Nakano with the teaching of Grzeczowski in order to send hot key signals multiplexed with television signals [0030] for the purpose of delivering message information to television users who do not have a separate Pointcast connection [0003-0005], thereby improving Nakano's method by removing the need for a separate Internet connection [e.g. Nakano Fig 2, 56k modem connected to ISP].

Regarding claims 2 and 23, depending on claims 1 and 22, Nakano further discloses:

- wherein determining whether to inform the user of the interactive television service of receipt of the email message comprises periodically polling a Post Office Protocol (POP) account of the user ([0015], and server can use POP [0052])

Regarding claims 3 and 24, depending on claims 2 and 23, Nakano in view of Grzeczowski further discloses:

- retrieving the email message from the POP account (a middle server can download the email messages [Nakano 0058]);
- sending the email message to the user as part of the hot key signal (messages are received along with the hot key icon so that the user can immediately view the message [Grzeczowski 0027])

Regarding claims 5 and 26, depending on claims 2 and 23, Nakano further discloses:

- wherein the POP account is an account maintained by an Internet Service Provider (ISP) other than the interactive television service provider (the Internet provider and the TV provider can be separate [Fig. 3, claim 1])

7. Claims 4 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano (US 2002/0147988) in view of Grzeczowski (US 2004/0049785), further in view of Chatfield (US 2002/0138561).

Regarding claims 4 and 25, depending on claims 2 and 23, Nakano in view of Grzeczowski does not further disclose:

- wherein the POP account is an account maintained by the interactive television service provider

Chatfield discloses that it is well known for a television service provider to maintain email accounts (ISP, which can be a cable provider, provides services including email [0007]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POP account disclosed by Nakano in view of Grzeczowski to be maintained by the interactive television service

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provider as disclosed by Chatfield for the purpose of gaining higher speed connectivity (Chatfield [0007]).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571) 270-3431. The examiner can normally be reached on M-Th 7-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on (571) 272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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